

Education Cabinet

Kentucky Board of Education

Department of Education

(Amendment)

704 KAR 3:345. Evaluation guidelines.

RELATES TO: KRS 156.557

STATUTORY AUTHORITY: KRS 156.070, 156.557(3)(c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.557 requires the Kentucky Board of

Education to establish statewide standards for evaluation and support for improving the

performance of all certified school personnel. 156.557(3)(c) requires the Kentucky Board of

Education to develop written guidelines for local school districts to follow in developing and

implementing an evaluation system for certified employees. This administrative regulation

establishes the requirements for the evaluation programs and policies of local school districts.

Section 1. Definitions. (1) “Accomplished Performance Level “ means behaviors that consistently

meet expectations for high quality performance. (2) "Administrator" means a certified staff person

who devotes the majority of his employed time to service in a position for which administration

certification is required by the Education Professional Standards Board in 704 KAR Chapter 20.

(3) “Artifact to support multiple measures” means a natural by-product created through the process

of teaching and learning, which verifies the degree of accomplishment related to performance

descriptors;

(4) "Conference" means a meeting involving the evaluator and the certified employee being evaluated for the purposes of providing feedback from the evaluator, analyzing the results of an observation or observations and other information to determine accomplishments and areas for growth leading to establishment or revision of a professional growth plan.

(5) "Developing Performance Level" means behavior that meets expectations for high quality performance most of the time.

(6) "Evaluation" means:

(a) The process of assessing or determining the effectiveness of the performance of the certified employee in a given teaching and learning or leadership and management situation, and based on predetermined criteria, through periodic observation and other documentation including a portfolio, peer review, product or performance; and

(b) The establishment and monitoring of a professional growth plan.

(7) "Evidence to support multiple measures" means documents or demonstrations that indicate proof of a particular level of performance.

(8) "Exemplary Performance Level" means behavior that consistently exceeds expectations for high quality performance.

(9) "Formative evaluation" is defined by KRS 156.557(3)(b)1.

(10) "Ineffective Performance Level" means behavior that consistently fails to meet expectations for acceptable performance.

(11) "Descriptors" means measurable or observable behaviors and outcomes that demonstrate performance criteria.

(12) “Instructional domain” means implementing and supporting research-based instructional practices, strategies and technologies that support student learning.

(13) "Job category" means a group or class of positions with closely related functions (e.g., principal, coordinator, director).

(14) “Leadership and professionalism domain” means the provision of professional leadership within the classroom, school and community, and the responsibility for professional growth and student academic success while working collaboratively through professional learning experiences in the pursuit of professional excellence.

(15) “Learning Climate domain” means the creation of a safe, supportive, respectful, engaging learning environment where students and staff have the opportunity to build positive relationships while growing and learning according to their individual needs.

(16) "Observation" means a process of gathering information in the performance of duty, based on predetermined criteria in the district plan.

(16) “Observation as a multiple measure” means the process of an evaluator observing another’s professional practice and providing documentation and feedback about that practice.

(17) "Other support staff" means certified staff other than teacher or administrator. (18) “Parent voice as a multiple measure” means parent feedback around teacher and principal performance.

(18) "Performance criteria" means performance areas, skills, or outcomes on which the certified employee shall be evaluated based on position.

(19) "Position" means a professional role in the school district (e.g., teacher, secondary principal, supervisor of instruction).

(20) "Principal" means an administrator who devotes the majority of his employed time to service in a position for which Instructional Leadership – School Principal certification is required by the Education Professional Standards Board in KRS 161.027(6) or 16 KAR 6:030.

(21) "Professional growth as a multiple measure: means documented experiences that develop an educator's skills, knowledge, expertise, and other characteristics.

(22) "Professional growth plan" means an individualized plan that includes:

(a) Goals for enrichment and development that are established by the person being evaluated with the assistance of an evaluator;

(b) Objectives, a plan for achieving the objectives, and a method for evaluating success; and

(c) Alignment with the specific goals and objectives as it relates to student growth within the school improvement plan or the district improvement plan; and

(d) Identification of school and district resources within available funds to accomplish the goals.

(23) "Self Reflection as a multiple measure" means critical self-examination of practice on a regular basis to deepen knowledge, expand repertoire skills and incorporate findings to improve practice.

(24) "Standards of performance" means acceptable qualitative or quantitative level of performance expected of effective teachers or administrators.

(25) "Student growth as a multiple measure" means the contribution to student academic growth based on objective measures.

(26) "Student voice as a multiple measure" means student feedback around teacher and principal performance.

(26) "Summative evaluation" is defined by KRS 156.557(3)(b)2.

(27) "Teacher" means a certified staff person who directly instructs students.

(28) "Teacher and Principal Professional Growth and Effectiveness Evaluation system" means a weighted system that is designed to support student achievement and professional growth through the domains of instruction, learning climate, leadership and professionalism and student growth. The system includes multiple measures and four performance levels. Regular evaluations shall occur including both formative and summative evaluations.

(29) "Teacher of Record" means a certified teacher who has been assigned the lead responsibility for the student's learning in a subject/course aligned to academic standards.

Section 2. Each local school district shall have an evaluation plan and procedures approved by the Kentucky Department of Education. Approval of the plan and procedures shall be for the purpose of certification as to the compliance of each specific school district's evaluation plan with the guidelines established in this administrative regulation.

Section 3. The local school district shall have a written policy for the evaluation of all certified employees consistent with KRS 156.557.

Section 4. (1) An evaluation committee consisting of equal numbers of teachers and administrators shall develop evaluation procedures and forms for certified positions below the level of the district superintendent. The superintendent's evaluation process shall be developed and adopted by the local board of education. The evaluation procedures and forms shall be designed to foster professional growth and to support individual personnel decisions.

(2) The procedures shall provide for both formative evaluation and summative evaluation and shall include the following elements:

(a) The immediate supervisor of the certified school employee shall be designated the primary evaluator. Additional trained administrative personnel may be used to observe and provide information to the primary evaluator. If requested by the teacher, observations by another teacher trained in the teacher's content area or by curriculum content specialists shall be provided. The selection of the third-party observer shall, if possible, be determined through mutual agreement by evaluator and evaluatee. A teacher who exercises this option shall do so, in writing to the evaluator, by no later than February 15 of the academic year in which the summative evaluation occurs. If the evaluator and evaluatee have not agreed upon the selection of the third-party observer within five (5) working days of the teacher's written request, the evaluator shall select the third-party observer.

(b) The monitoring or observations of performance of a certified employee shall be conducted openly and with the full knowledge of the teacher or administrator. The local district may determine the length and frequency and nature of observations conducted by an evaluator.

(c) The evaluation system shall include a professional growth plan for all certified personnel below the level of superintendent aligned with specific goals and objectives of the school improvement plan or the district improvement plan and shall be reviewed annually.

(d) The evaluation process developed for the local superintendent by the local board of education shall include provisions for assistance for professional growth of the superintendent, pursuant to KRS 156.111.

(e) Evaluation shall include a formative evaluation conference between the evaluator and the person evaluated within one (1) work week following each observation. In addition, the summative

1 evaluation conference shall be held at the end of the evaluation cycle and include all evaluation
2 data.

3 (f) Evaluation with multiple observations shall occur annually for each non-tenured certified
4 employee. The formative data collected during the beginning teacher internship period may be
5 utilized in summative evaluation of the intern.

6 (g) Multiple observations shall be conducted with a tenured, certified employee whose observation
7 results are unsatisfactory.

8 (h) Summative evaluation shall occur a minimum of once every three (3) year period for each
9 tenured teacher.

10 (i) Summative evaluation shall occur annually for an administrator.

11 (j) The evaluation of a certified employee below the level of the district superintendent shall be in
12 writing on an evaluation form developed pursuant to subsection (1) of this section and become a
13 part of the official personnel record.

14 (k) The observations shall include documentation of information to be used in determining the
15 performance of the evaluatee.

16 (l) The evaluation system shall provide an opportunity for a written response by the evaluatee and
17 the response shall become a part of the official personnel record.

18 (m) A copy of the evaluation shall be provided to the evaluatee.

19 Section 5. (1) The evaluation form shall include a list of performance criteria characteristic of
20 effective teaching or administrative practices. Under each criterion, specific descriptors or
21 indicators that can be measured or observed and recorded shall be listed. Additionally, standards of

performance shall be established for each criterion. The performance criteria shall include those that apply to the employee being evaluated and that are identified within KRS 156.557(2).

(2) The evaluation criteria and process used to evaluate certified school personnel shall be explained to and discussed with certified school personnel no later than the end of the first month of reporting for employment for each school year. Amendments approved by the Kentucky Department of Education to local systems of certified personnel evaluation that occur after the end of the certified employees' first school month shall not apply to the employee until the following school year.

(3) An evaluation form or instrument shall be specific for each position or job category. Other forms for observation and pre- and post-conferences may be used at the discretion of the local district.

Section 6. (1) The primary evaluator, with the exception of a district board of education member, shall be trained, tested, and approved as an evaluator by the Kentucky Department of Education.

(2) Training shall:

(a) Include skill development in the use of the local evaluation process. Each local district shall conduct this training;

(b) Include skill development in the identification of effective teaching and management practices, effective observation and conferencing techniques, establishing and assisting with a certified employee professional growth plan, and summative evaluation techniques relative to the academic expectations in 703 KAR 4:060. This training shall be conducted by a provider who has been approved by the Kentucky Department of Education as a trainer for the Instructional Leadership Improvement Program;

(c) Be provided by the Kentucky Department of Education for all new administrators who are designated as evaluators. Other administrators who have not received training in the skill areas listed in paragraph (b) of this subsection may participate also; and

(d) Be approved as a part of the evaluation plan and procedures submitted to the Kentucky Department of Education.

(3) Testing shall:

(a) Include a cognitive test of research-based and professionally accepted teaching and management practices and effective evaluation techniques listed in subsection (2)(b) of this section; and

(b) Be conducted by the Kentucky Department of Education or an individual or agency approved by the Kentucky Department of Education.

(4) Initial approval as an evaluator shall be issued by the Kentucky Department of Education upon completion of the required evaluation training program and successful completion of testing.

(5)(a) Continued approval as an evaluator shall be contingent upon the completion of a minimum of twelve (12) hours of evaluation training every two (2) years.

(b) This training shall be in any one, or a combination, of the following skill areas:

1. Use of the local evaluation process;
2. Identification of effective teaching and management practices;
3. Effective observation and conferencing techniques;
4. Establishing and assisting with certified employee professional growth plans;
5. Summative evaluation techniques; or

6. Completion of training or update training in the Kentucky Teacher Internship Program in 704 KAR 20:690 or Kentucky Principal Internship Program in 704 KAR 20:470 not to exceed six (6) hours per two (2) year cycle.

(6) Each local district shall designate a contact person responsible for monitoring evaluation training and implementing the evaluation plan.

Section 7. For an appeal to the local evaluation appeals panel, each local evaluation plan shall provide for the following:

(1) Right to a hearing as to every appeal;

(2) Opportunity reasonably in advance of the hearing for the evaluator and evaluatee to adequately review all documents that are to be presented to the evaluation appeals panel; and

(3) Right to presence of evaluatee's chosen representative.

Section 8. (1) The local board of education shall review as needed the evaluation plan to ensure compliance with KRS 156.557 and this administrative regulation.

(2) If a substantive change is made to the evaluation plan, the local board of education shall utilize the evaluation committee, as provided for in Section 4(1) of this administrative regulation, in formulating the revision.

(3) Examples of substantive change shall include a change in:

(a) Cycle;

(b) Observation frequency;

(c) A form; or

(d) An appeal procedure.

(4) A revision to the plan shall be reviewed and approved by the local board of education and submitted to the Kentucky Department of Education for approval.

Section 9. (1) A certified employee who feels that the local district is not properly implementing the evaluation plan according to the way it was approved by the Kentucky Department of Education shall have the opportunity to appeal to the Kentucky Board of Education.

(2) The appeal procedures shall be as follows:

(a) The Kentucky Board of Education shall appoint a committee of three (3) state board members to serve on the State Evaluation Appeals Panel. Its jurisdiction shall be limited to procedural matters already addressed by the local appeals panel required by KRS 156.557(5). The panel shall not have jurisdiction relative to a complaint involving the professional judgmental conclusion of an evaluation, and the panel's review shall be limited to the record of proceedings at the local district level.

(b) No later than thirty (30) days after the final action or decision at the local district level, the certified employee may submit a written request to the chief state school officer for a review before the State Evaluation Appeals Panel. An appeal not filed in a timely manner shall not be considered. A specific description of the complaint and grounds for appeal shall be submitted with this request.

(c) A brief, written statement, and other document which a party wants considered by the State Evaluation Appeals Panel shall be filed with the panel and served on the opposing party at least twenty (20) days prior to the scheduled review.

(d) A decision of the appeals panel shall be rendered within fifteen (15) working days after the review.

(e) A determination of noncompliance shall render the evaluation void, and the employee shall have the right to be reevaluated.

Section 10. (1) Beginning 2014-15 academic year, each local school district shall implement an evaluation system that aligns to the statewide standards for evaluation and support for teachers and principals established in this section. (2) The performance criteria for teachers and principals shall be organized into four domains to include:

(a) Instruction;

(b) Learning climate;

(c) Leadership and professionalism; and

(d) Student growth.

(3) The multiple measures used to measure performance on the performance criteria for teachers and principals shall include:

(a) Student Growth;

(b) Student Voice;

(c) Parent Voice;

(d) Professional Growth;

(e) Self-reflection;

(f) Peer observation, and

(g) Observation.

(4) Student growth, both state assessment data, if available, and formative growth measures that are rigorous and comparable across schools in an LEA, shall be a significant factor in determining the effectiveness of teachers and principals.

1 (5) Student growth shall be attributed to the teacher or teachers of record.

2 (6) A teacher or principal's rating shall not be determined by one single measure.

3 (7) The teacher and principal evaluation system shall have four (4) performance levels:

4 (a) Exemplary;

5 (b) Accomplished;

6 (c) Developing; and

7 (d) Ineffective.

8 (8) Artifacts and evidence shall be used to support the performance rating of a teacher and
9 principal.

10 (9) The system shall inform personnel decisions.

11 Section 11. The local school district shall have a written policy to support the implementation of
12 the evaluation system described in Section eleven (11) of this administrative regulation and
13 consistent with KRS 156.557.

14 Section 12. (1) An evaluation committee consisting of equal numbers of teachers and
15 administrators shall develop a plan to implement the statewide standards for evaluation and support
16 procedures determined by the Kentucky Board of Education for teachers and principals.

17 (2) The procedures approved by the Kentucky Board of Education shall provide for both formative
18 evaluation and summative evaluation and shall include the following elements:

19 (a) The immediate supervisor of the teacher or principal shall be designated the primary evaluator.
20 Additional trained administrative personnel may be used to observe and provide information to the
21 primary evaluator. If requested by the teacher, observations by another teacher trained in the
22 teacher's content area or by curriculum content specialists shall be provided. The selection of the

third-party observer shall, if possible, be determined through mutual agreement by evaluator and
evaluatee. A teacher who exercises this option shall do so, in writing to the evaluator, by no later
than February 15 of the academic year in which the summative evaluation occurs. If the
evaluator and evaluatee have not agreed upon the selection of the third-party observer within five
(5) working days of the teacher's written request, the evaluator shall select the third-party
observer.

(b) The monitoring or observations of performance of teachers or principals shall be conducted
openly and with the full knowledge of the teacher or principal. The procedures developed by the
Kentucky Board of Education shall determine the length and frequency and nature of observations
conducted by an evaluator.

(c) The evaluation system shall support continuous improvement of instruction through a
professional growth plan for all teacher and principals aligned with specific goals and objectives of
the school improvement plan or the district improvement plan and shall be reviewed annually.

(d) Evaluation shall include a formative evaluation conference between the evaluator and the
person evaluated within one (1) work week following each observation. In addition, the summative
evaluation conference shall be held at the end of the evaluation cycle and include all evaluation
data.

(f) Evaluation with multiple observations shall occur annually for each nontenured teacher. The
formative data collected during the beginning teacher internship period may be utilized in
summative evaluation of the intern.

(g) Multiple observations shall be conducted with a tenured, teacher whose observation results are
unsatisfactory.

1 (h) Summative evaluation shall occur a minimum of once every three (3) year period for each
2 tenured teacher.

3 (i) Summative evaluation shall occur annually for an principal.

4 (j) The evaluation of a teacher or principal shall be in writing on an evaluation form approved by
5 the Kentucky Board of Education and become a part of the official personnel record.

6 (k) The observations shall include documentation of information to be used in determining the
7 performance of the evaluatee.

8 (l) The evaluation system shall provide an opportunity for a written response by the evaluatee and
9 the response shall become a part of the official personnel record.

10 (m) A copy of the evaluation shall be provided to the evaluatee.

11 Section 13. (1) The evaluation system shall include a list of performance criteria characteristic of
12 effective teaching or leadership practices. Under each criterion, specific descriptors or indicators
13 that can be measured or observed and recorded shall be listed. Additionally, standards of
14 performance shall be established for each criterion. The performance criteria shall include those
15 that apply to the employee being evaluated and that are identified within KRS 156.557(2).

16 (2) The evaluation criteria and process used to evaluate teachers and principals shall be explained
17 to and discussed with certified school personnel no later than the end of the first month of reporting
18 for employment for each school year. (3) An evaluation form or instrument shall be specific for
19 each position or job category. Other forms for observation and pre- and postconferences shall be
20 developed by the Kentucky Department of Education and approved by the Kentucky Board of
21 Education.

1 Section 14. (1) The primary evaluator shall be trained, tested, and approved as an evaluator by the
2 Kentucky Department of Education.

3 (2) Training shall:

4 (a) Include skill development in the use of the local evaluation process. Each local district shall
5 conduct this training;

6 (b) Include skill development in the identification of effective teaching and management practices,
7 effective observation and conferencing techniques, establishing and assisting with a certified
8 employee professional growth plan, and summative evaluation techniques relative to the academic
9 expectations in 703 KAR 4:060. This training shall be conducted by a provider who has been
10 approved by the Kentucky Department of Education as a trainer for the Instructional Leadership
11 Improvement Program;

12 (c) Be provided by the Kentucky Department of Education for all new administrators who are
13 designated as evaluators. Other administrators who have not received training in the skill areas
14 listed in paragraph (b) of this subsection may participate also.

15 (3) Testing shall:

16 (a) Include a cognitive test of research-based and professionally accepted teaching and
17 management practices and effective evaluation techniques listed in subsection (2)(b) of this
18 section; and

19 (b) Be conducted by the Kentucky Department of Education or an individual or agency approved
20 by the Kentucky Department of Education.

21 (4) Initial approval as an evaluator shall be issued by the Kentucky Department of Education upon
22 completion of the required evaluation training program and successful completion of testing.

(5)(a) Continued approval as an evaluator shall be contingent upon the completion of a minimum of twelve (12) hours of evaluation training every two (2) years.

(b) This training shall be in any one, or a combination, of the following skill areas:

1. Use of the evaluation process;

2. Identification of effective teaching and management practices;

3. Effective observation and conferencing techniques;

4. Establishing and assisting with certified employee professional growth plans;

5. Summative evaluation techniques; or

6. Completion of training or update training in the Kentucky Teacher Internship Program in 704

KAR 20:690 or Kentucky Principal Internship Program in 704 KAR 20:470 not to exceed six (6) hours per two (2) year cycle.

(6) Each local district shall designate a contact person responsible for monitoring evaluation training and implementing the evaluation plan.

Section 15. (1) For an appeal to the local evaluation appeals panel, each local evaluation plan shall provide for the following:

(a) Right to a hearing as to every appeal;

(b) Opportunity reasonably in advance of the hearing for the evaluator and evaluatee to adequately review all documents that are to be presented to the evaluation appeals panel; and

(c) Right to presence of evaluatee's chosen representative.

(2) In order to support ineffective experienced teachers or novice teachers, the district may implement a peer assistance review process that shall include:

1 (a) Consulting teachers to support teachers in the program who may coordinate with other staff to
2 support the client teachers and shall share data with the primary evaluator only; and

3 (b) A peer assistance review panel made up of eight administrators and eight teachers, no more
4 than two (2) of which may be from the local teacher association, who are work with consulting
5 teachers to review information monthly, including observation reports and summaries for the
6 purpose of suggesting supports and interventions and making recommendations to the
7 superintendent regarding employment status of participating teachers.

8 (3) Participation in the peer assistance review process shall be voluntary.

9 Section 16 . (1) A certified employee who feels that the local district is not properly implementing
10 the evaluation system according to the way it was approved by the Kentucky Department of
11 Education shall have the opportunity to appeal to the Kentucky Board of Education.

12 (2) The appeal procedures shall be as follows:

13 (a) The Kentucky Board of Education shall appoint a committee of three (3) state board members
14 to serve on the State Evaluation Appeals Panel. Its jurisdiction shall be limited to procedural
15 matters already addressed by the local appeals panel required by KRS 156.557(5). The panel shall
16 not have jurisdiction relative to a complaint involving the professional judgmental conclusion of an
17 evaluation, and the panel's review shall be limited to the record of proceedings at the local district
18 level.

19 (b) No later than thirty (30) days after the final action or decision at the local district level, the
20 certified employee may submit a written request to the chief state school officer for a review before
21 the State Evaluation Appeals Panel. An appeal not filed in a timely manner shall not be considered.
22 A specific description of the complaint and grounds for appeal shall be submitted with this request.

- 1 (c) A brief, written statement, and other documents which a party wants considered by the State
2 Evaluation Appeal Panel shall be filed with the panel and served on the opposing party at least
3 twenty (20) days prior to the scheduled review.
- 4 (d) A decision of the appeals panel shall be rendered within fifteen (15) working days after the
5 review.
- 6 (e) A determination of noncompliance shall render the evaluation void, and the employee shall
7 have the right to be reevaluated.

8